United Nations CERD/C/SR.2444

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
19 May 2016

Original: English

Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2444th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 11 May 2016, at 3 p.m.

Chair: Ms. Crickley
later: Mr. Cali Tzay (Vice-Chair)

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain (continued)

Draft concluding observations on the combined sixth to eighth periodic reports of Georgia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-07823 (E) 180516 190516

1607823

Please recycle

The meeting was called to order at 3.45 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain (continued) (CERD/C/ESP/CO/R.21-23)

1. **The Chair** invited Committee members to resume their consideration of the draft concluding observations on the periodic report of Spain (CERD/C/ESP/CO/R.21-23).

Paragraph 29

2. **Mr. Murillo Martínez** (Country Rapporteur) drew attention to the revised version of paragraph 29, which had been distributed to Committee members in Spanish only. The changes represented a consensus following consultations with various Committee members. The revised text read: "The Committee takes note of the Government's initiatives to integrate the African population in Spanish society. But it is concerned at the structural discrimination affecting people of African descent, both those who are recent migrants from Africa and those who are descendants of the transatlantic slave trade and slavery. Notwithstanding their different backgrounds, both suffer the impact of structural barriers that negatively impact the full enjoyment of their rights in Spain, including in areas such as political participation, education, employment as well as in other aspects of public life. The Committee is further concerned about the stereotyping of people of African descent who, according to some sources, are labelled as 'second-generation migrants', despite the fact that they were born in Spain. The Committee is also concerned at the lack of dialogue between the State party and people of African descent in Spain regarding the legacy of the transatlantic slave trade, slavery and colonialism."

3. **Mr. Kut** said that the paragraph had been considerably improved. However, he wished to propose slightly different wording that would bring the paragraph into line with the language generally used in the Committee's concluding observations. It would read: "The Committee takes note of the Government's initiatives to integrate the African population in Spanish society. But it is concerned that structural discrimination affects both those people of African origin who are migrants directly from Africa and those who are descendants of the transatlantic slave trade and slavery. While they have different backgrounds, both suffer the impact of structural barriers that negatively impact the full enjoyment of their rights in Spain, including in the areas of political participation, education, employment as well as in other areas of public life. The Committee is further concerned about the stereotyping of people of African origin as 'second-generation migrants', even if they are born in Spain. The Committee is also concerned at the lack of dialogue between the State party and people of African origin in Spain about the legacy of colonialism."

4. **Mr. Bossuyt** agreed with Mr. Kut's proposed text but in the penultimate sentence he proposed deleting the words "even if they are born in Spain". If one parent was an immigrant it did not matter whether the children were born in the country or not, they were still second-generation migrants.

5. **Ms. McDougall** said that the way the expression "second-generation migrant" was used in Spain made it a racial slur that undermined the person's empowerment and integration.

6. **The Chair** agreed that the issue was one of usage: the term "second-generation migrants" was in fact accurate but it was used as a means of stereotyping. She suggested amending the penultimate sentence to read "The Committee is further concerned at the use of the term 'second-generation migrants' as a means of stereotyping people of African origin".

7. **Mr. Cali Tzay** said that the term was indeed used to stereotype Afro-descendants. The State party recognized only the issue of race, not its historical role in the slave trade 500 years previously.

8. **Ms. Dah** said that in Europe the term "second-generation migrant" might be accurate but it was not politically correct. The Committee needed to be vigilant and not necessarily accept States parties' usage of terms.

9. **Ms. Hohoueto** said that she accepted the new text. It said what it meant.

10. **Mr. Bossuyt** said that the choice was either to delete the reference to the second generation and retain the reference to being born in Spain or to retain the reference to the second generation and delete the reference to being born in Spain. Even if they had been born in Spain, the persons concerned were still regarded as migrants.

11. **Mr. Murillo Martínez** said that the expression "second-generation migrant" had extremely strong connotations in Spain, which directly affected young persons.

12. **Ms. Dah** said that it was important to reflect the fact that the persons concerned were Spanish, not migrants.

13. **The Chair** suggested using the words "Spanish people of African descent".

14. **Ms. McDougall** proposed the words "stereotyping of people of African descent as migrants, even if they are born in Spain".

15. **Mr. Murillo Martínez** said that it was important to retain the concept of the second generation as it was a strongly pejorative expression that was used in everyday language and thus perpetuated the stereotype.

16. **Mr. Kut** said that he would prefer to use the wording that had been suggested by the Chair. In addition, he wished to recall that he himself had proposed the words "of African origin", not "of African descent".

17. **The Chair** repeated her own suggestion for the penultimate sentence of the paragraph, namely "The Committee is further concerned at the use of the term 'second-generation migrants' as a means of stereotyping people of African origin". If there was no objection she would take it that the Committee agreed to that wording.

18. *It was so decided.*

19. **The Chair** said that she took it that the Committee wished to adopt the text proposed by Mr. Kut, as amended.

20. *Paragraph 29, as amended, was adopted.*

Paragraph 30

21. **Mr. Murillo Martínez** drew attention to the amendments proposed to paragraph 30, namely the addition at the end of subparagraph (a) of the words "as well as in terms of employment and education", and the deletion of subparagraph (b), since statistical data had already been mentioned.

22. **Mr. Kut** said that, in order to bring the wording of subparagraph (a) into line with the language of the Committee's general recommendation No. 34, he proposed amending it to read: "Draw up and put into effect special measures to secure equal opportunities for participation by people of African descent in public employment and government bodies."

23. *It was so decided.*

24. **Mr. Kut** proposed deleting the words "and with participation by the African diaspora" in subparagraph (d). The dialogue ought to involve everyone, including the

mainstream population. Who did "the diaspora" refer to? It was a problematic expression in general.

25. **Ms. McDougall** proposed replacing the words "with participation by the African diaspora" by the words "with the full participation of the affected group".

26. *It was so decided.*

27. *Paragraph 30, as amended, was adopted.*

Paragraph 41

28. **Mr. Murillo Martínez** said that, as he understood it, paragraphs 14, 24, 26 and 30 had been proposed as the paragraphs of particular importance. He personally would have favoured the inclusion of paragraph 20, but was willing to accept the majority opinion.

29. **The Chair** said that paragraph 8 had also been proposed for inclusion.

30. **Ms. McDougall** said that paragraphs dealing with issues of life and death should be given priority over those in which the Committee called for legislative amendments.

31. **The Chair** said that she took it that the Committee wished to highlight paragraphs 14, 24, 26 and 30 as the paragraphs of particular importance.

32. *It was so decided.*

33. *Paragraph 41, as amended, was adopted.*

34. *The draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain, as a whole, as amended, were adopted.*

35. *Mr. Cali Tzay (Vice-Chair) took the Chair.*

Draft concluding observations on the combined sixth to eighth periodic reports of Georgia (CERD/C/GEO/CO/R.6-8)

36. **The Chair** invited the members of the Committee to consider the draft concluding observations paragraph by paragraph.

Paragraphs 1 to 8

37. *Paragraphs 1 to 8 were adopted.*

Paragraph 9

38. **Mr. Kut** proposed that, in subparagraph (d), the word "other" should be inserted before "underlying causes".

39. *Paragraph 9, as amended, was adopted.*

Paragraph 10

40. **Ms. Shepherd** said that the information submitted by the State party in its periodic report related to individuals who had migrated from the African continent. It would thus be more accurate to refer to "people of African origin" rather than "people of African descent".

41. **Mr. Avtonomov** said that the term "people of African descent" had been defined in the Committee's general recommendation No. 34 and had been used frequently in the past.

42. **Mr. Kut** said that, following lengthy discussions on the subject, the Committee had decided that "people of African descent" denoted all individuals who could trace their origin back to Africa through the slave trade, while "people of African origin" should be used for individuals who had migrated from the African continent. He agreed with Ms.

Shepherd that, in the paragraph in question, the Committee appeared to be referring to "people of African origin".

43. **Ms. Crickley** (Country Rapporteur) said that the paragraph concerned the situation of both racial or ethnic minorities and non-citizens, including people of African descent. She proposed adding the words "and of African origin" after "people of African descent".

44. *Paragraph 10, as amended, was adopted.*

Paragraph 11

45. *Paragraph 11 was adopted.*

Paragraph 12

46. **Mr. Kut**, in reference to subparagraph (b), said that the Committee should avoid titles that might be interpreted as legitimizing terrorist groups. With that in mind, Daesh was preferable to any other names.

47. **Mr. Avtonomov** said that, in reality, young people were vulnerable to recruitment by a number of terrorist organizations and that the subparagraph should be amended accordingly.

48. **Ms. Crickley** proposed that subparagraph (b) should refer simply to "radicalization and recruitment by terrorist groups", without listing any examples.

49. *It was so decided.*

50. *Paragraph 12, as amended, was adopted.*

Paragraph 13

51. *Paragraph 13 was adopted.*

Paragraph 14

52. **Mr. Kut**, referring to the formatting of paragraph 14, asked why the subparagraphs were not separated.

53. **The Chair** said that the same formatting had been used for some paragraphs in previous concluding observations.

54. **Ms. Shepherd** asked why the term "of Roma origin" had been used in paragraph 14, rather than simply "Roma".

55. **The Chair** said that the term had also been used in other Committee documents.

56. *Paragraph 14 was adopted.*

Paragraphs 15 to 20

57. *Paragraphs 15 to 20 were adopted.*

Paragraph 21

58. **Ms. Shepherd** asked what was meant by "properly justified" in subparagraph (c). Did it mean that evidence should be provided to justify the decision not to grant asylum to an individual?

59. **Ms. Crickley** said that the term "properly justified" should indeed be understood as meaning that evidence was required. There had reportedly been instances where the State party had refused to grant asylum on the basis of a general threat to national security,

without providing further details or reasoning. Such a practice was of major concern to the Committee and for that reason the reference to proper justification was considered necessary.

60. *Paragraph 21 was adopted.*

Paragraphs 22 to 29

61. *Paragraphs 22 to 29 were adopted.*

Paragraph 30

62. **Ms. Crickley** said that there had been some uncertainty about which recommendations should be emphasized under paragraphs 30 and 31, which dealt with follow-up and paragraphs of particular importance, respectively. Under paragraph 30, it had been suggested that paragraph 7 on the implementation of anti-discrimination legislation should be included, as the implementation activities concerned were already under way, together with paragraph 15 on initiatives for the Roma, as that recommendation had been included in previous concluding observations.

63. Following a discussion in which **Mr. Kut, the Chair** and **Ms. Crickley** took part, **the Chair** said that he took it that, in paragraph 30, the Committee wished to request follow-up information on the implementation of the recommendations contained in paragraphs 7 and 23.

64. *It was so decided.*

65. *Paragraph 30, as amended, was adopted.*

Paragraph 31

66. **Ms. Crickley** said that paragraph 17 on the repatriation of persons deported by the Union of Soviet Socialist Republics in 1944, and paragraph 15 on discrimination against the Roma, which had previously been referred to in the Committee's concluding observations, should be mentioned under paragraph 31. Paragraph 11 on statistical data and paragraph 21 on asylum seekers were also proposed for inclusion.

67. *It was so decided.*

68. *Paragraph 31, as amended, was adopted.*

Paragraphs 32 to 33

69. *Paragraphs 32 to 33 were adopted.*

70. *The draft concluding observations on the combined sixth to eighth periodic reports of Georgia, as a whole, as amended, were adopted.*

The meeting rose at 5.30 p.m.